

at least one measurer adapted to measure quantities of selected pigments, the quantities of selected pigments adapted to be mixed with the at least one base;  
a mold adapted to receive the base and the quantities of selected pigments; and  
wherein said plurality of pigments are stored separately from the at least one base and packaged together along with the at least one measurer and the mold in the kit for resale at a point of purchase.

29. ~~The kit of claim 25 wherein the kit is packaged for resale through a retail establishment whereby the kit is adapted to be used by an individual at home or other locations away from the retail establishment.~~

34. (First Amended) The kit of claim 1 wherein the at least one base is ~~neutral-unshaded~~ and not shaded to a particular hue.

38. (First Amended) The kit of claim 1 wherein the pigments are contained separately from the pigments ~~in a readily mixable state~~ at least one base, such that the pigments are being pourable and mixable adapted to be mixed with other pigments ~~without heating~~.

39. (First Amended) The kit of Claim 25 wherein the at least one base is ~~neutral-unshaded~~ and not shaded to a particular hue.

43. (First Amended) The kit of claim 25 wherein the pigments are stored separately from the pigments ~~in a readily mixable state~~ at least one base, such that the pigments are being pourable and mixable adapted to be mixed with other pigments ~~without heating~~.



PATENT  
Attorney Docket No. 500159

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Mary Swaab

Art Unit: 1732

Application No.: 09/363,129

Examiner: James Mackey

Filed: July 29, 1999

For: APPARATUS FOR BLENDING AND  
FABRICATING PERSONALIZED  
LIPSTICK

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**PENDING CLAIMS AFTER AMENDMENTS  
RECITED IN RESPONSE TO OFFICE ACTION DATED FEBRUARY 27, 2002**

1. A kit for custom blending lip coloring product to a desired shade, texture, and content, the kit comprising:

a plurality of containers containing pigments adapted to be blended together to create a particular shade of lip coloring product;

at least one container containing at least one base adapted to be blended with selected pigments to provide a particular texture and consistency for lip coloring product;

means for measuring pre-determined quantities of selected pigments and the at least one base, the quantities of the pigments and the at least one base adapted to be heated to form a desired blend of lip coloring product in liquefied form; and

a mold adapted to receive the desired blend in liquefied form, the mold adapted to extract heat from the liquefied desired blend until the desired blend hardens into lip coloring product; and

wherein the plurality of containers; the measuring means and the mold are packaged together in the kit for resale at a point of purchase, with the at least one base and the pigments stored separately in the containers.

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2. The kit of Claim 1 further including a plurality of additives adapted to be added to the desired blend, the additives being selected from the group consisting of moisturizers, sunscreens, scents, and frost type pigments.
3. The kit of Claim 1 wherein the measuring means is one selected from the group consisting of a blending sheet with multiple graduated areas, at least one scoop, at least one spoon, a scale, at least one dropper, at least one measuring cup, and at least one metering device.
4. The kit of claim 1 further comprising a heating vessel adapted to receive the desired blend, the heating vessel being suitable for use with a heating means that is intended for use with the kit for liquefying the pigments and bases.
5. The kit of claim 4 wherein the heating means for which the heating vessel is suitable is selected from the group consisting of a heating block, a steam bath, a water bath, a microwave oven, an oven, a flame, and a hot air blower.
6. The kit of Claim 1 wherein the mold is a lip balm jar.
7. The kit of Claim 1 wherein the mold includes a clam shell type housing having first and second mating sides, the sides being hingedly attached and adapted to be folded together to form at least one lipstick cavity, the lipstick cavity adapted to receive the liquefied desired blend for forming a lipstick.
8. The kit of Claim 7 wherein the clam shell mold first and second sides each include top portions and bottom portions, the first side top portion being hinged to the second side top portion, the first side bottom portion being hinged to the second side bottom portion, the top portions adapted to be removed after the desired blend hardens to facilitate attachment of an extendible and retractable lipstick case to the lipstick.

9. The kit of Claim 8 wherein the mold includes clamping means to retain the mold in a closed position during hardening of the lipstick.

10. The kit of Claim 8 wherein the top and bottom portions include apertures adapted to align and receive dowels therein to ensure proper alignment of the top and bottom portions.

11. The kit of claim 7 further comprising at least one extendible lipstick case adapted to house the hardened lipstick.

12. The kit of claim 1 wherein the at least one container for the base is a heating vessel in which the at least one base and at least one of the pigments are mixed.

25. A kit for custom blending lip coloring product to a desired shade, texture, and content, the kit comprising:

a plurality of pigments adapted to be blended together to create a particular shade of lip coloring product;

at least one base adapted to be blended with selected pigments to provide a particular texture and consistency for lip coloring product;

at least one measurer adapted to measure quantities of selected pigments, the quantities of selected pigments adapted to be mixed with the at least one base;

a mold adapted to receive the base and the quantities of selected pigments; and

wherein said plurality of pigments are stored separately from the at least one base and packaged together along with the at least one measurer and the mold in the kit for resale at a point of purchase.

26. The kit of claim 25 further comprising a mixing tool adapted to mix the at least one base and selected ones of the plurality of pigments.

27. The kit of claim 25 further comprising at least one fragrance adapted to be mixed with the at least one base and the quantities of selected pigments.

28. The kit of claim 27 wherein the at least one fragrance comprises a plurality of fragrances.

31. The kit of claim 25 wherein the mold is a lip balm jar.

32. The kit of claim 25 wherein the mold is a lipstick mold comprising a top and bottom shell having an internal cavity therebetween for forming a lipstick, further comprising at least one extendible lipstick case adapted to house the lipstick.

33. The kit of claim 25 further comprising at least one frost type pigment adapted to be blended with the at least one base and the selected quantities of pigments.

34. The kit of claim 1 wherein the at least one base is unshaded and not shaded to a particular hue.

35. The kit of claim 1 wherein the measuring means comprises a measuring sheet having a plurality of graduated segments, said pigments being measured in the graduated segments of the measuring sheet.

36. The kit of claim 35 further comprising a mixing tool adapted to blend pigments measured in the graduated segments.

37. The kit of claim 36 further comprising a transparent blending sheet adapted to cover the measuring sheet.

38. The kit of claim 1 wherein the pigments are contained separately from the at least one base, the pigments being pourable and adapted to be mixed with other pigments.

39. The kit of Claim 25 wherein the at least one base is unshaded and not shaded to a particular hue.

40. The kit of Claim 25 wherein the at least one measurer comprises a measuring sheet having a plurality of graduated segments, said pigments being measured in the graduated segments of the measuring sheet.

41. The kit of claim 40 further comprising a mixing tool adapted to blend pigments measured in the graduated segments.

42. The kit of claim 41 further comprising a transparent blending sheet adapted to cover the measuring sheet.

43. The kit of claim 25 wherein the pigments are stored separately from the at least one base, the pigments being pourable and adapted to be mixed with other pigments.